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NUMBER OF PAGES INCLUDING COVER PAGE: 28

DATE: December 14, 2005

TO: (Name, Company, City & Country)

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TELEPHONE:

Office of Petitions, United States Patent and Trade
Mark Office, Alexandria, Virginia, USA

571.273.8300

FROM: Mark D. Penner

BUSINESS PHONE:

416.863.4283

SECRETARY PHONE:

416.863.2247

MESSAGE: Re: U.S. Patent Application No. 10/670,521

Attached are the following documents in connection with the above-noted application:

- 1) Petition under 37 CFR 1.137(b) (4 sheets)
- 2) Exhibit "A" with cover sheet (6 sheets)
- 3) Exhibit "B" with cover sheet (8 sheets)
- 4) Exhibit "C" with cover sheet (2 sheets)
- 5) Exhibit "D" with cover sheet (2 sheets)
- 6) Fee transmittal for FY2005 for fee to revive unintentionally abandoned application (1 sheet)
- 7) Transmittal of payment of issue fee (1 sheet)
- 8) Issue fee transmittal PTOL- 85 in duplicate (2 sheets)
- 9) Fee transmittal for FY2005 for 5 advance copies (1 sheet)

ORIGINALS SENT BY: (check one)

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(please specify)

ANY PROBLEMS? Please contact your Fax Operator or the Blakes Fax Operator at 416.863.3074

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FILE REFERENCE:

TIME IN:
21428739.1

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OPERATOR:

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of PIPPA, Carlos F. et al
Serial No.: 10/670,521
Filing Date: September 23, 2003
Title: SPRAY BOOTH
Art Unit: 2875
Examiner: Cranson Jr., James W.
Atty's Docket No.: 64394/00002

Mail Stop: PETITION
The Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
U.S.A.

Dear Sir:

PETITION UNDER 37 C.F.R. §1.137(b)

The Applicants hereby submit a petition for revival of an application under 37 C.F.R. §1.137(b) in relation to the above-referenced application. The petition for the revival of the above noted application under 37 C.F.R. §1.137(b) is on the basis that the abandonment of the above noted case was unintentional.

Provided herewith is the following:

- 1) The petition and fee as set forth in 37 C.F.R. §1.137(b) and 37 C.F.R. §1.17 (m) respectively;
- 2) A statement of facts supporting this petition that the entire delay in filing the reply to the Notice of Allowance dated September 13, 2005 from December 13, 2005 until the date of filing this petition pursuant to 37 C.F.R. §1.137(b) was unintentional; and
- 3) A further submission for payment of Issue Fee under 37 C.F.R. §1.311 including:
 - i) Transmittal of Issue Fee (Large Entity);
 - ii) Issue Fee Transmittal Form PTOL-85 in duplicate; and
 - iii) Fee Transmittal for FY2005.

Application No. 10/670,521

- 2 -

BACKGROUND FACTS

1. On September 13, 2005, the United States Patent & Trademark Office ("U.S. PTO") issued a Notice of Allowance (the "Notice of Allowance") in the above noted application. The Notice Of Allowance provided that the fees as set out therein, including the issue fee and publication fee (hereinafter the "Applicable Fees") and the Fee Transmittal Form PTOL - 85 were to be submitted on or before December 13, 2005.
2. The Applicants attempted to submit the Fee Transmittal Form PTOL - 85 along with the Applicable Fees (the "Issue Fee Submission") on December 13, 2005, pursuant to the Notice of Allowance by way of facsimile transmission to the facsimile number "(512) 273-2885". A copy of the Issue Fee Submission is provided in Exhibit "A". The facsimile number was incorrect on the Fee Transmittal Form PTOL - 85 due to the Agent of Record for the Applicants using a previous version of this form. The correct facsimile number should have been "(571) 273-2885". The error in the Issue Fee Submission, namely the incorrect facsimile number, was not determined until December 14, 2005 by the Agents for the Applicants.
3. The Applicants also attempted to submit on December 13, 2005 an assignment document transferring rights in and to the above noted application from the inventors to Global Finishing Solutions Canada Inc. (the "Assignment Submission"). A copy of the Assignment Submission is provided as Exhibit "B".
4. Finally, the Applicants attempted to submit a new continuation application claiming priority from the above noted parent application on December 13, 2005 (the "Continuation Submission").
5. The submission of both the Assignment Submission and the Continuation Submission were indicated as received by the U.S. PTO on December 13, 2005. Copies of the receipt acknowledgement of the Assignment Submission and the Continuation Submission are provided as Exhibits "C" and "D", respectively.

Application No. 10/670,521

- 3 -

6. As soon as possible following the discovery of the error in the facsimile number of the Issue Fee Submission, the Applicants submit the petition under 37 C.F.R. §1.137(b) provided herein.

SUBMISSION FOR GRANT OF PETITION

The Applicants hereby petition for the revival of the above-referenced application under 37 C.F.R. 1.137(b), namely on the ground that the entire delay was unintentional.

Based on the above noted attempt to file the Issue Fee Submission, as well as the above noted filing of the Assignment Submission and the Continuation Submission, it may be reasonably established that the Applicants intended the timely payment of the Applicable Fees.

From the Assignment Submission and Continuation Submission properly filed on December 13, 2005, the Applicants submit that it may be reasonably established that the delay in paying the Applicable Fees was not intentional.

This petition for revival of the above noted application as well as payment of the Applicable Fees are all filed promptly and as soon as the Agents for the Applicants became aware of the failure to submit the Issue Fee Submission. It is submitted that the Applicants did not intentionally delay the filing of this petition and payment of the Applicable Fees and that the entire delay until the filing of this petition was unintentional.

By way of a further submission transmitted herewith, the Applicants also submit payment of the issue fee under 37 C.F.R. §1.311 for consideration by the U.S. PTO. For the convenience of the U.S. PTO, the Applicants are submitting the further Issue Fee Submission to the general facsimile number "(571) 273-8300" along with this petition and not to the facsimile number "(571) 273-2885" are indicated on the Fee Transmittal - PTOL-85. In doing so, the required issue and publication fees as well as the required petition fee under 37 C.F.R. §1.17(m) are transmitted herewith.

Please charge any other fee which may be required for the papers being filed with this letter to Account No. 02-2553.

Application No. 10/670,521

- 4 -

In the event that any issues remain, Office personnel are invited to telephone the undersigned collect at (416) 863-4283.

Yours very truly

Mark D. Penner
Registration No. 48,092

December 14, 2005

Encl. - Exhibit "A"
Exhibit "B"
Exhibit "C"
Exhibit "D"

BLAKE, CASSELS & GRAYDON LLP
Box 25, Commerce Court West
Toronto, Ontario
M5L 1A9
Canada

Certificate of Transmission by Facsimile

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Mark D. Penner

DEC. 14. 2005 6:59PM

NO. 2229 P. 6

EXHIBIT 'A'

DOCUMENTS

PAGE 6/28 * RCVD AT 12/14/2005 6:57:35 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-6/25 * DNIS:2738300 * CSID: * DURATION (mm-ss):07-52

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FACSIMILE:

TELEPHONE:

Commissioner of Patents, United States Patent &
Trademark Office, Arlington, Virginia, USA

(512) 273 2885

FROM: Mark D. Penner

BUSINESS PHONE:

(416)863-4283

SECRETARY PHONE:

(416) 863-2247

MESSAGE:

RE: United States Patent Application No. 10/670,521

Title: Spray Booth

Assignee: Global Finishing Solutions Canada, Inc.

Issue Fee Due: December 13, 2005

Attached are the following documents in payment of the issue fee for the above-referenced application:

1. Transmittal of Payment of Issue Fee; and
2. Fee Transmittal PTOL - 85 in duplicate
3. FY2005 Fee Transmittal

ORIGINALS SENT BY: (check one)

☐ MAIL

☐ TDX

☒ NOT SENT

☐

(please specify)

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FILE REFERENCE: 00064394/000002

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NO. 2229 P. 8

TRANSMITTAL OF PAYMENT OF ISSUE FEE (Large Entity)
(37 C.F.R. 1.311)

64394/2

Applicant(s): **PIPPA, Carlos F.; DAY, Allan C.; MARCINKOWSKI, John**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/670,521	September 26, 2003	Cranson, Jr., James W.	27871	2875 RECEIVED CENTRAL FAX CENTER	6477

Invention: **SPRAY BOOTH**

DEC 14 2005

Mail Stop Issue Fee
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Transmitted herewith are the following for the above-identified application.

- ☒ Issue Fee Transmittal Form PTOL-85
- ☒ Utility Fee: \$ 1400 ☐ Design Fee: _____ ☐ Plant Fee: _____
- ☒ Publication Fee: \$ 300.00
- ☐ A check in the amount of _____ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. 02-2553 as described below.
- ☒ Charge the amount of \$1,700.00
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Signature

Dated: December 13, 2005

Mark D. Penner
Blake, Cassels & Graydon LLP
199 Bay Street, Suite 2800
P.O. Box 25, Commerce Court West
Toronto, Ontario, M5L 1A9
Canada

Reg. No. 48,092

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December 13, 2005

(Date)

Signature

Mark D. Penner

Typed or Printed Name of Person Signing Certificate

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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).		Complete if Known	
FEE TRANSMITTAL for FY 2005		Application Number	10/670,521
		Filing Date	September 26, 2003
		First Named Inventor	PIPPA, Carlos F.
		Examiner Name	CRANSON, Jr., James W.
		Art Unit	2875
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Attorney Docket No.	64394/2
TOTAL AMOUNT OF PAYMENT		(\$)	\$15.00

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 02-2553 Deposit Account Name: Blake, Cassels & Graydon LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☐ Charge any additional fee(s) or any underpayment of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments

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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
Total Claims	Fee (\$)	Fee Paid (\$)

- 20 or HP = x \$50.00 = \$0.00

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 3 or HP = <u> </u>	x	<u>\$200.00</u>	= <u>\$0.00</u>

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listing under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 = <u>0</u>	/ 50	<u>0</u>	(round up to a whole number) x <u>\$250.00</u>	= <u>\$0.00</u>


4. OTHER FEE(S)

Non-English specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): 5 Advanced Copies

Fee Paid (\$)
\$15.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	48,092	Telephone	416-863-4283
Name (Print/Type)	Mark D. Penner			Date	December 13, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL
for FY 2005**☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) \$15.00

Complete if Known

Application Number	10/670,521
Filing Date	September 26, 2003
First Named Inventor	PIPPA, Carlos F.
Examiner Name	CRANSON, Jr., James W.
Art Unit	2875
Attorney Docket No.	64394/2

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 02-2553 Deposit Account Name: Blake, Cassels & Graydon LLP

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☐ Charge any additional fee(s) or any underpayment of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments

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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
Total Claims	Fee (\$)	Fee Paid (\$)

Extra Claims **Fee (\$)** **Fee Paid (\$)**

- 20 or HP = _____ x \$50.00 = \$0.00

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**

- 3 or HP = _____ x \$200.00 = \$0.00

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listing under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(e).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	0	0	(round up to a whole number) x \$250.00	\$0.00

4. OTHER FEE(S)

Non-English specification, \$130 fee (no small entity discount)	Fee Paid (\$)
Other (e.g., late filing surcharge): 5 Advanced Copies	\$15.00

SUBMITTED BY

Signature	Registration No. (Attorney/Agent)	48,092	Telephone	416-863-4283
Name (Print/Type)	Mark D. Penner		Date	December 14, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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		Art Unit	2875
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Attorney Docket No.	64394/2
TOTAL AMOUNT OF PAYMENT (\$)		\$15.00	

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 02-2453 Deposit Account Name: Blake, Cassels & Graydon LLP

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☐ Charge any additional fee(s) or any underpayment of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments

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Multiple Dependent Claims		
	Fee (\$)	Fee Paid (\$)
Total Claims	Extra Claims	Fee (\$)
- 20 or HP =	x	\$50.00 = \$0.00
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Indep. Claims	Extra Claims	Fee (\$)
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- 100 =	0	0	(round up to a whole number) x \$250.00 =	\$0.00

4. OTHER FEE(S)

Non-English specification,	\$130 fee (no small entity discount)	Fee Paid (\$)
Other (e.g., late filing surcharge):	\$ Advanced Copies	\$15.00

SUBMITTED BY		Registration No.	48,092	Telephone	416-863-4283
Signature		(Attorney/Agent)			
Name (Print/Type)	Mark D. Fennier		Date	December 14, 2005	

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PART B - FEE(S) TRANSMITTAL

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Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571) 273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Please use Block 1 for any change of address)

27871 7590 09/13/2005

BLAKE, CASSELS & GRAYDON LLP
BOX 25, COMMERCE COURT WEST
199 BAY STREET, SUITE 2800
TORONTO, ON M5L 1A9
CANADA

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,521	09/26/2003	Carlos F. Pippa	64394/2	6477

TITLE OF INVENTION: SPRAY BOOTH

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	12/13/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
CRANSON JR, JAMES W	2875	362-253000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.563).

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1. BLAKE CASSELS & GRAYDON LLP

2. MARK D. PENNER

3. _____

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GLOBAL FINISHING SOLUTIONS
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BARRIE, CANADA

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- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

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Authorized Signature

Date December 14, 2005

Typed or printed name

MARK D. PENNERRegistration No. 48,092

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27871 1590 09/13/2005

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(Signature)

(Date)

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10/670,521	09/26/2003	Carlos F. Pippa	64394/2	6477

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CRANSON JR, JAMES W	2875	362-253000

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2. MARK D. PENNER
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Authorized Signature

Date December 14, 2005

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MARK D. PENNERRegistration No. 48,092

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10/670,521	September 28, 2003	PIPPA, Carlos F.	64384/2	6477
TITLE OF INVENTION: SPRAY BOOTH				

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
non-provisional	NO	\$1400	\$300	\$1700	12/13/2006
EXAMINER	ART UNIT	CLASS-SUBCLASS			
GRANSON, JR., James W.	2875	362-253000			

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- 1 Blake, Cassels & Graydon LLP
2 Mark D. Penner
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Global Finishing Solutions Canada, Inc.

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

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